

HONORABLE MARY JO HESTON
HEARING DATE: February 14, 2019
TIME: 9:00 am
RESPONSE DATE: February 7, 2019
CHAPTER 13
TACOMA, WA

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT COURT OF WASHINGTON

Re)
)
RAPHAEL LEE JR.) In Chapter 7 Proceeding
) No. 18-43115-MJH
)
)
Debtor(s)) Notice of Hearing
) and Motion to Reopen for
) Discharge Violation & Redeem
) 2004 Hyundai Elantra
) for \$1.00
_____)

TO: Clerk of Court, U.S. Trustee; Debtor(s); Chapter 7 Trustee, One Main Financial

Please take note that the issue of law in this case will be heard on the date below and the Clerk is requested to note this issue on the motion docket for that day.

HEARING DATE: February 14, 2019

TIME: 9:00 am

PLACE: 1717 Pacific Ave
Courtroom H
Tacoma, WA 98402

JUDGE: MARY JO HESTON

IF YOU OPPOSE the Motion, you must file your written response with the Court Clerk, serve two copies on the Judge's chambers, serve one copy on the undersigned attorney, and serve one copy of your response on each of the persons set forth on the Certificate of Service attached hereto, NO LATER THAN THE RESPONSE DATE, which is **February 7, 2019**

IF NO RESPONSE IS TIMELY FILED AND SERVED, THE COURT MAY, IN ITS DISCRETION, GRANT THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE, AND STRIKE THE HEARING.

Dated: January 3, 2019

/s/ Ellen Ann Brown

Ellen A. Brown, WSB 27992
Attorney(s) for Debtor(s)

NOTICE OF HEARING AND MOTION TO
Redeem

1

BROWN and SEELYE PLLC
744 South Fawcett Ave.
Tacoma, WA 98402
253-573-1958

1
2
3 **MOTION**
4

5 COMES NOW the Debtor(s), by and through their attorneys of record, the law offices of
6 BROWN AND SEELYE PLLC, and moves the Court for an order to allow the Debtor(s) to
7 Redeem his 2004 Hyundai Elantra for \$1.00 and require One Main Financial to release the title
8 or, in the alternative, retrieve the vehicle within 30 days as follows:

- 9 1. Debtor previously filed a Chapter 7 and has received his discharge. OneMain Finance,
10 Inc. has violated the Discharge Injunction by refusing to retrieve their collateral or release
11 the title to Mr. Lee.
- 12 2. One Main Financial refuses to pick up their collateral or give Mr. Lee the title.
- 13 3. The vehicle is not running and Mr. Lee does not want it in his driveway any further.
- 14 4. It is requested that the Court order that One Main Financial must retrieve their vehicle
15 within 30 days and if they do not do so that Mr. Lee may redeem the vehicle for the sum
16 of \$1.00 and One Main Financial should release the title to him immediately so he may
17 dispose of the vehicle.
- 18 5. The Movant wishes to redeem the vehicle pursuant to 11 U.S.C. Section 722 by paying
19 the creditor the value of the property, but the creditors has not agreed to his request that
20 this be done. The vehicle has no real value in its current nonrunning condition so Debtor
21 requests to redeem for the sum of one dollar (\$1.00).
- 22
23
24
25

1 Based on the foregoing, Debtor requests that One Main Financial be ordered to either
2 remove and retrieve their property within thirty days of the Order to be entered in the
3 court or, in the alternative, the vehicle be allowed to be redeemed for the sum of \$1,00
4 and One Main Financial be required to release the title upon receipt of the funds.

5 Respectfully submitted January 3, 2019.

6
7 /s/ Ellen Ann Brown
8 Ellen Ann Brown WSB 27992
9 Attorney for Debtor

10 **CERTIFICATE OF SERVICE**

11 THE UNDERSIGNED hereby certifies:

12 On the date set forth below, I caused to be delivered by the method indicated below, a
13 true and correct copy of the above referenced **NOTICE OF HEARING AND MOTION** properly
14 addressed to each of the following:

15 **ELECTRONIC NOTICED**

16 Chapter 7 Trustee
17 Office of the U.S. Trustee
1200 Sixth Ave. #600
Seattle, WA 98101

18 **FIRST CLASS MAIL TO:**

19 Onemain Financial, Inc.
20 Attn: President or CEO
601 NW 2nd Street
Evansville, IN 47708

21 Onemain Financial Inc.
22 Mr. James W. Schneider
Or Current President
23 100 International Drive
18th Floor
24 Baltimore, MD 21202

25 **NOTICE OF HEARING AND MOTION TO**
Redeem

1 Onemain Financial Services, Inc.
2 c/o CT Corporation System
3 711 Capitol Way S Ste 204
4 Olympia, WA 98501

5 Onemain Financial Inc.
6 Attn President or CEO
7 300 St Paul Pl
8 Baltimore, MD 21202

9 I declare under penalty of perjury that the foregoing is true and correct to the best of my
10 knowledge and belief.

11 Signed at Tacoma, Washington on January 3, 2019.

12 /s/ Ellen Ann Brown

13 _____
14 Ellen Ann Brown WSB 27992